

IN THE DISTRICT COURT FOR THE UNITED STATES  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JOEL FRANCISCO

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CR. NO. 04 - 100 JJM

STIPULATION REGARDING MODIFICATION OF SENTENCE

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting through their respective counsel, that:

1. Defendant has filed a Motion for Sentence Reduction pursuant to Section 404 of the First Step Act of 2018.
2. Defendant's original guideline calculation was as follows:  
Total Offense Level 38  
Criminal History Category VI  
360 months to LIFE imprisonment, with a statutory mandatory LIFE sentence as to Count 2  
8 years supervised release as to Count 1  
\$ 25,000 to \$ 12,000,000 fine.
3. The Court sentenced the Defendant on September 21, 2005 on Count 1 to 180 months imprisonment, with eight years of supervised release. On Count 2 the Court imposed the statutory mandatory sentence of Life Imprisonment. While imposing this sentence, the sentencing court found that a sentence of 180 months was sufficient but not greater than necessary to satisfy all the sentencing factors under 18 USC 3553(a).

4. Defendant is eligible for a modification of his sentence pursuant to section 404 of the First Step Act.

5. Defendant's revised guideline calculation and statutory mandatory minimums are as follows:

Total Offense Level            32  
Criminal History Category VI  
210-262 months imprisonment  
8 years supervised release  
\$ 35,000 to \$ 16,000,000 fine.

6. A sentence of 180 months as to each count would be consistent with the sentencing court's express intent at the original sentencing. Such a sentence would have resulted in a release date of December 11, 2017.

7. Based upon the foregoing, a total sentence of time served as to each count, with an eight year term of supervised release, concurrently on each count, is appropriate in this matter.

8. The defendant has no objections to the imposition of the following special conditions of supervised release;

- 1. The defendant shall participate in a program of substance abuse treatment (inpatient or outpatient), as directed and approved by the Probation Office.
- 2. The defendant shall participate in a program of substance abuse testing (up to 72 drug tests per year) as directed and approved by the Probation Office.
- 3. The defendant shall contribute to the cost of all ordered treatment and testing based on ability to pay as determined by the probation officer.
- 4. If the defendant does not have an approved release plan, he shall spend up to 120 days in a Residential Re-entry Center until he can obtain

suitable housing approved by probation.

9. Defendant waives and does not request a hearing in this matter.
10. Accordingly, an amended judgment may be entered by the Court in accordance with the terms of this stipulation.

Respectfully submitted,

/s/ Olin W. Thompson

Olin W. Thompson  
Assistant Federal Defender  
Counsel for Defendant

2/5/19

Date

/s/ Donald C. Lockhart

Donald C. Lockhart  
Assistant U.S. Attorney

2/5/19

Date